



**EXECUTIVE CHAMBERS**

HONOLULU

LINDA LINGLE  
GOVERNOR

July 9, 2008

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: House Bill No. 2520 HD3 SD2 CD1

On July 8, 2008, House Bill No. 2520, entitled "A Bill for an Act Relating to Caregivers" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purposes of this Act are to require the joint legislative committee on aging in place to explore the provision of wage replacement benefits to employees who need to take time off from work to care for a family member with a serious health condition and to establish a working group to further explore the issue.

Every day, families in Hawaii struggle to find a way to care for an aging family member, a disabled spouse, or a sick child. As our aging population grows, this problem will become a reality for more Hawaii residents. This bill continues the analysis of this issue, but raises several concerns that should be acknowledged.

Any system that mandates employer-paid wage replacement benefits for Hawaii workers will increase the already high cost of doing business in the State and I would caution the working group to avoid recommending a system that will become an administrative and financial burden for companies in Hawaii that provide jobs and livelihoods for our residents. It should be noted that many employees can already use the benefits of the federal Family Medical Leave Act which requires employers to grant employees up to 12 work weeks of leave for an immediate family member with a serious health condition.

I would have liked to have seen the working group include members of the insurance industry, medical profession, and economic experts in lieu of advocacy organizations whose views are already well established.

This bill also raises concerns because it proposes to mandate a benefit that would aid some but could be unfair to others. It would allow an employee with an aging parent or a sick

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
July 9, 2008  
Page 2

child to be entitled to more paid leave than an employee without a dependent that needs care. It would require an employer to make a judgment as to whether an employee is entitled to leave, but without being able to ask sensitive, personal medical questions about the family member's illness or condition. This could create the potential for abuse.

I believe most Hawaii workers are committed to their jobs and want to work. Most understand and are motivated by the dedication, hard work, and time that lead to career advancement. It makes sense to support policies that give workers the tools they need to balance work and family life, such as my Administration's proposals for tax credits for the purchase of long-term care insurance which will give Hawaii residents an opportunity to plan for family needs.

While there is no substitute for the care provided by a family member, it is important to remember that the stress and financial commitment of caring for a loved one can be overwhelming and damaging to all involved. Long-term care can aid and assist in such situations and ensure that the entire family unit remains healthy and successful.

For the foregoing reasons, I allowed House Bill No. 2520 to become law as Act 243, effective July 8, 2008, without my signature.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Lingle", with a stylized, cursive script.

LINDA LINGLE